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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/766,325

01/29/2004

Laurence W. Davies

80210-952 ADB

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7590

05/16/2007

ADE & COMPANY INC.
2157 Henderson Highway
WINNIPEG, MB R2G1P9
CANADA

EXAMINER

RUDDOCK, ULA CORINNA

ART UNIT

PAPER NUMBER

1771

MAIL DATE

DELIVERY MODE

05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/766,325

Applicant(s)

DAVIES ET AL.

Examiner

Ula C. Ruddock

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 20, 2007, has been entered.
2. The Examiner has carefully considered Applicant's response filed February 20, 2007. In view of Applicant's amendments and accompanying remarks, the rejections in view of Davis et al. (US 6,881,288 and US 6,872,273) have been overcome. However, the rejection in view of WO 00/78529 (WO '529) and Kaiser (US 5,851,468) has been maintained.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/78529 (WO '529) in view of Kaiser (US 5,851,468). WO '529 discloses a pultruded part and a method of preparing a reinforcement mat for the part. The improved reinforcement mat is made up of a number of layers, including a layer having fibers which extend transversely of the mat and binding resin for the fibers. The invention is especially useful for pultrusion of parts for fenestration products (pg 1, ln 9-15). The mat and rovings are primarily glass products, while the resin matrix is a thermosetting material (page 1, ln 26-27). Holes are formed in the mat layers which extend

through the thickness of the mat layers and receive binding resin therein for increasing the binding effect of the resin upon hardening of the latter (page 4, ln 16-19). It should be noted that the Examiner is equating the holes in the reinforcing mat to be a scrim as required by the present invention. WO '529 discloses the claimed invention except for the teaching that the fibers are made of metal and that the resin is a thermosetting polyurethane.

Kaiser (US 5,851,468) discloses a reinforcing structural rebar comprising an inner core formed by pultruding reinforcing fibers (abstract). The thermosetting resin is preferably a polyurethane (col 3, ln 34-35). The reinforcing fibers include metal fibers (col 10, ln 66). It would have been obvious to one having ordinary skill in the art to have used Kaiser's thermosetting polyurethane and metal fibers in place of the thermosetting resin and glass fibers of WO' 520, motivated by the desire to create a pultruded article that has a higher tensile strength and structural integrity.

Regarding claims 1, 8, 9, 21, 22, and 23, it has been held that the basis weight of the fibers is a result effective variable. The weight of the fibers will directly affect the strength of the fabric. Therefore, it would have been obvious to one having ordinary skill in the art to have used a fabric having a total quantity of fibers of less than 0.5 ounces per square foot, less than 0.25 ounces per square foot, and less than 0.1 ounces per square foot, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980). In the present invention, one would have optimized the basis weight of the fibers, motivated by the desire to create a fabric that has increased strength and durability.

Rejection is maintained.

Response to Arguments

5. Applicant's arguments filed February 20, 2007, have been fully considered but they are not persuasive for the reasons set forth. Applicant argues that because the WO 00/78529 reference cannot be cited under 35 U.S.C. 102(b), it cannot be used in a rejection under 35 U.S.C. 103. This argument is not persuasive because WO 00/78529 is a reference under 102(a) and therefore, is still prior art, and can be used in a rejection under 35 U.S.C. 103. It should be noted that the WO 00/78529 does not correspond to the previously cited Davies references. Therefore, the rejection is maintained.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is 571-272-1481. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

UCR

Mia Raddock
Mia C. Raddock
Primary Examiner
Tech Center 1700